**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**O.O.C.J.**

**NOTICE OF MOTION NO. 1312 OF 2003**

**IN**

**SUIT NO. 3136 OF 1992**

Smt. Leelavati Vasu Suvarna
and Ors. .....**Plffs.**
vs.
Maneksarabai G. Singh .....**Defnds.**

P.K. Shetty for the applicants.

None for the defendants.

**CORAM: S.U. KAMDAR, J.**

**DATE : 30th September, 2005.**

**P.C. :**.

1. The present motion is taken out for setting aside an ex-parte order dated 12.6.97 which has been passed by the Prothonotary and Senior Master dismissing the suit for non service.

2. The motion itself is taken out at a belated stage after six years. There is no satisfactory explanation in that behalf. Furthermore even today

learned counsel for the plaintiffs states that the defendant was served by writ of summons through one advocate Mr. R.N. Singh. The said Advocate Mr. R.N. Singh has filed no vakalatnama in the present proceedings. The service if any on him cannot be treated as valid service. There is no service of the writ of summons. The suit is filed in the year 1992. Thirteen years have passed. In that view of the matter, motion dismissed.

sd/-

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